

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOUIS A. VENDITTE,
RUBY A. VENDITTE, and
JOHN W. WAGSTAFFE,

Defendants.

8:14CR95

ORDER

This matter is before the court on the motion to continue by the government (Filing No. 45). The motion seeks a continuance of the trial scheduled for February 23, 2015. The court held a telephone conference with counsel on February 3, 2015. Louis A. Venditte was represented by James M. Davis. Ruby A. Venditte was represented by Matthew M. Munderloh. John W. Wagstaffe was represented by Jason E. Troia. The United States was represented by Assistant U.S. Attorney Donald J. Kleine. While the government sought the continuance because of AUSA's Kleine's unavailability due to his presence in another criminal trial, the defendants had no objection to the motion. Defendants Venditte were in the process of finalizing a plea agreement and defendant Wagstaffe requested additional time to consult with his trial expert. The motion will be granted.

IT IS ORDERED:

1. The motion to continue trial (Filing No. 45) is granted.
2. Trial of this matter is re-scheduled for **April 6, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 3, 2015, and April 6, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 3rd day of February, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge